

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Confirmation No.: 9401
Yasumaro TOSHIMA et al) Examiner: T. Q. Nguyen
Serial No: 10/594,723)
(PCT/JP2005/006458)) Group Art Unit: 2872
National Phase Filed: September 28, 2006)
For: LIGHT CONTROL SHEET AND SURFACE)
LIGHT SOURCE USING THE SAME)

**ARGUMENT ACCOMPANYING REQUEST FOR PRE-APPEAL
BRIEF CONFERENCE**

COMMISSIONER FOR PATENTS
P.O. Box 1450
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Sir:

The arguments which follow are essentially those presented in applicants' response after final filed December 9, 2008. An advisory action dated December 17, 2008 advised that the amendments filed December 9, 2008 would be entered upon the filing of an appeal. That advisory action further stated "Applicants' arguments provided in the amendment of 12/9/08 have been fully considered but they are not persuasive." In telephone conversation on January 7, 2009 the Examiner refused to give any reason or explanation as to why the arguments were deemed "not persuasive."

The Invention

The present invention is "a light control sheet comprising at least a light diffusing film and a prism sheet," the light control sheet having a novel smooth surface layer structure on either the prism sheet (claim 1) or the light diffusing film (claim 2). More specifically that novel surface layer structure is a polymeric structure, quoting language of both of independent claims 1 and 2, "comprising at least a comb polymer, the comb polymer having a copolymer stem moiety and a branch moiety formed of

macromonomers." Dependent claims 3-5 and 8-10 define the polymeric structure of the novel surface layer in more detail.

A "comb polymer" has branch moieties graft-polymerized to the stem, i.e. a type of graft copolymer. See [0033] in applicants' specification. The terms "comb polymer", "graft copolymer", "stem" (stem = main chain) and "branch moieties" (branch = side chain) are all terms known to polymer chemists as defining polymer structure. See the excerpts from the IUPAC Compendium of Chemical Technology submitted with applicants' response of 12/9/08 and the *Wikipedia* printout attached hereto.

The Examiner's Omission of One or More Essential Elements Needed for a *Prima Facie* Rejection

None of the references applied in the prior art rejections discloses a graft copolymer, much less the type of graft copolymer recited by the pending claims, i.e. "a comb polymer having a copolymer stem moiety and a branch moiety formed of macromonomers."

Argument

The rejection of Claims 1, 3-7, 13, 15, 17 and 18 for obviousness over Toshima et al in View of Uchida et al

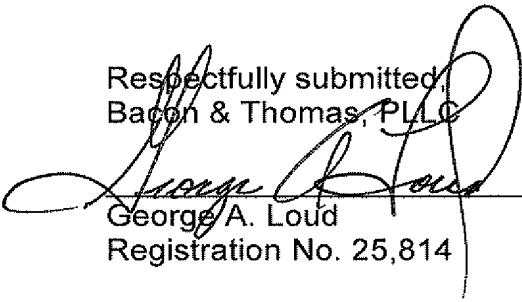
In the final action, the Examiner does not assert that either reference discloses a "comb polymer" as recited. Instead, the Examiner cites Uchida et al as disclosing "a combination of polymers which includes acrylic material and styrene material. See Uchida et al, paragraphs [0024]-[0033] and [0035]." In [0032], Uchida et al disclose: "the plurality of resins may comprise a first resin and a second resin in combination" and then mentions "acrylic resin [e.g. a poly(methylmethacrylate)]" and "styrenic resin (e.g. a polystyrene)". While the cited teachings might be regarded as suggestive of a physical admixture of those resins, a physical admixture of such polymers is very different from a single polymeric molecule composed of acrylic and styrene moieties of any type and disclosure of such a physical admixture is not suggestive of any type of a graft copolymer or comb polymer. See the argument extending from the bottom of page 6 to the bottom of page 8 of applicants response filed December 9, 2008.

The Rejection of Claims 2, 8-12, 14, 16, 19 and 20 for Obviousness Over Toshima et al in View of Uchida et al

Again, the Examiner relies upon Uchida for the teachings mentioned above and, again, the missing element is suggestion of a comb polymer. Accordingly, the argument in traverse of this rejection is essentially the same as the argument in traverse of the first rejection. See the argument extending from the bottom of page 8 to the top of page 10 of applicants' response filed December 9, 2008.

Review and withdrawal of the rejections of record, in view of the foregoing, is respectfully requested.

Respectfully submitted,
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Date: January 9, 2009

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